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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	CLASS	ATTORNEY DOCKET NO.
08/901.144	07/28/97	GIFFT	J	130458-15-0

QM61/0616

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SCHOENFELD EXAMINER	
3753 ART UNIT	PAPER NUMBER
06/16/98 249	
DATE MAILED:	

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary

Application No.
08/901,144

Applicant(s)
Giff

Examiner
Meredith Schoenfeld

Group Art Unit
3753



☒ Responsive to communication(s) filed on Jul 28, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 9-12, 16, 17, 19, and 26-29 is/are rejected.

☒ Claim(s) 4-8, 13-15, 18, 20-25, and 30-32 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3753

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,9,19 and 26 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shafer et. al. Shafer discloses an air control system having an enclosure which is coupled to the pump (152) , pressure monitor means(156,158), and valve members coupled to the enclosure being in fluid communication with the air bladders of the mattress (338,340).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalavitz et. al. in view of Walker. The patent to Kalavitz et. al. discloses all the claimed features with the exception of being used with an air inflatable mattress. It is noted that while the patent to Kalavitz et. al. does not specifically disclose a pump, the vehicle air supply disclosed is considered to include all types of compressed air supply including a pump. The patent to Walker discloses that it is known in the art to employ a control system for a air mattress for the purpose of allowing the user of the mattress to adjust the pressure in the mattress for comfortableness. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the control system of Kalavitz et. al. for an air mattress for the purpose allowing the user to adjust the pressure in the mattress for comfortableness as recognized by Walker.

Claims 10, 11, 12, 17, 27, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalavitz et. al., in view of Walker, as applied to claim 16 above, and in further view of Sember. The patent to Kalavitz et. al. as modified by Walker discloses all the claimed features with the exception of having a plurality of independent air bladders having independent valves, which can communicate fluidly. The patent to Sember discloses that it is known in the art to employ multiple independent air bladders having independent valves for communicating fluidly for the purpose of allowing the bladders to be adjusted separately. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Kalavitz et. al. a plurality of independent air bladders having independent valves for communicating fluidly for the

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purpose of allowing the bladders to be adjusted separately as recognized by Sember. It is noted that Sember discloses "at least" two bladders/valves therefore it can be read as having either 2 or 3 bladders/valves.

Claims 4-8, 13, 14, 15, 18, 20-25, and 30-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith H. Schoenfeld whose telephone number is (703) 308-3146.

mhs



June 9, 1998



JOHN RIVELL
PRIMARY EXAMINER
ART UNIT 347